REMARKS

The Official Action mailed August 10, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to December 10, 2004. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on May 9, 2001, October 3, 2001, and September 22, 2003. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 33-44 and 55-60 are pending in the present application, of which claims 33, 55, 57 and 59 are independent. Claims 35, 55 and 57 have been amended to correct minor matters of form. The Applicants note with appreciation the allowance of claims 33-44, 59 and 60 (page 4, Paper No. 14). For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 55-58 as obvious based on U.S. Patent No. 5,841,497 to Sato et al. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Sato does not teach or suggest at least the above-referenced features of the present invention. The Official Action concedes that Sato "does not teach the data line side driver circuit, memory and memory control circuit provided over the substrate" (page 3, Paper No. 14) and "the feature of casting the pixel matrix and the associated memory and control logic on the same substrate" (Id.). The Official Action asserts that such a feature would have been obvious because "said physical layout being in common practice and well known in the art" (Id.). Also, without citing Sato or a prior art reference, the Official Action appears to provide an alleged motivation in that the Official Action asserts that it would have been obvious to modify Sato by providing the data line side driver circuit, memory and memory control circuit over the substrate "in order to provide an arrangement that would optimize processing speed and minimize the structural elements that make up the display unit" (Id.). The Applicants respectfully disagree and traverse each of the above-referenced assertions.

MPEP § 2144.03 discusses whether it is appropriate to rely on allegedly well known prior art. Specifically, this section provides as follows:

> It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21. See also *In re Grose*, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA

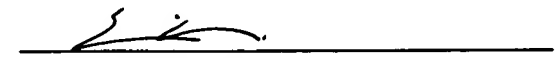
> 1979) ("[W]hen the PTO seeks to rely upon a chemical theory, in establishing a prima facie case of obviousness, it must provide evidentiary support for the existence and meaning of that theory."); *In re Eynde,* 480 F.2d 1364, 1370, 178 USPQ 470, 474 (CCPA 1973) ("[W]e reject the notion that judicial or administrative notice may be taken of the state of the art. The facts constituting the state of the art are normally subject to the possibility of rational disagreement among reasonable men and are not amenable to the taking of such notice.").

In the present case, the Applicant respectfully submits that the facts asserted to be well known, i.e. providing a data line side driver circuit, a memory and a memory control circuit over a same substrate or casting a pixel matrix and associated memory and control logic on a same substrate, are not capable of instant and unquestionable demonstration as being well-known. The Applicant further respectfully submits that it is not appropriate for the Official Action to assert that these features are conventional and well known in the art without citing a prior art reference. It also appears that the above assertions in the Official Action are assertions of technical facts in the areas of esoteric technology or specific knowledge. Such assertions must always be supported by citation to some reference work recognized as standard in the pertinent art. Therefore, Sato does not teach or suggest providing a data line side driver circuit, a memory and a memory control circuit over a same substrate or casting a pixel matrix and associated memory and control logic on a same substrate.

Since Sato does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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